

Appl. No. : 09/820,207
Filed : March 28, 2001

REMARKS

This communication is responsive to the Office Action mailed on May 19, 2005 (hereinafter the "current Office Action").

I. Status of the claims

The current status of Claims 45-65 is unclear. In a paper filed on February 16, 2005, Applicants elected Claims 66-85 for prosecution. In the current Office Action, however, the Examiner rejected Claims 45-85, implying that Claims 45-65 have not been, or are no longer, withdrawn from consideration. For purposes of responding to the current Office Action, Applicants will treat Claims 45-65 as not being withdrawn.

II. Examiner's treatment of dependent claims as non-limiting

In the current Office Action, the Examiner took the position that (1) dependent Claims 46-65 do not further limit the system defined in independent Claim 45, and (2) dependent Claims 67-85 do not further limit the method defined in independent Claim 66. Applicants respectfully disagree. Each of Claims 46-65 further defines or specifies one or more components of the system set forth in Claim 45. In addition, each of Claims 67-85 recites at least one step or act that further defines the method of Claim 66. Thus, each dependent claim of the present application further defines the invention set forth in the corresponding independent claim.

III. Obviousness Rejection

The Examiner rejected Claims 45-85 on obviousness grounds over U.S. Patent 6,282,548 ("Burner") in view of "RUSure.com web pages." Applicants assume that "RUSure.com web pages" refers collectively to references U and V on page 1, and references U, V, W and X on page 2, of the Notice of Cited References (part of paper #9) included with the Office Action mailed on May 21, 2004. These six articles, which include descriptions of the RUSure software and web site, will be referred to collectively as the "RUSure articles." Applicants will treat Burner and the RUSure articles as prior art for purposes of responding to the current Office Action, but reserve the right to later disqualify one or more of these references as prior art.

For the reasons set forth below, Applicants respectfully submit that the obviousness rejection of Claims 45-85 is improper, and request that the rejection be withdrawn.

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Independent Claim 45

Applicants submit that the rejection of independent Claim 45 is improper because, among other reasons, Burner and the RUSure articles do not disclose or suggest a client program and data server which “collectively implement a service in which (a) when a first user accesses a web page that describes a first product, the first user is provided an option to complete and submit a form that requests at least one specific type of product-related information associated with the first product, and (b) when a second user accesses the web page following submission of the form by the first user, the second user is provided an option to view the product-related information submitted by the first user.”

In connection with these limitations, Burner discloses a system in which a user can submit, in connection with a particular web page being viewed, the URL of a suggested link. This suggested link is thereafter presented to others who visit this web page, and particularly those having the Alexa client software installed on their respective computers. See Burner at col. 12, line 36 to col. 13, line 64. Applicants will refer to this feature as the “Alexa user-suggested links feature.” The RUSure articles, on the other hand, describe a system in which a user who is accessing a particular product on a particular merchant web site is supplied, via a browser plug-in, with information about the prices offered by other online merchants, as collected automatically from the World Wide Web. Users can also obtain such price comparison data by accessing the RUSure web site. See article titled “Subversive Software at your Service” at paragraphs 8-11. Applicants will refer to these features as the “RUSure price comparison” features.

The Examiner appears to take the position that if one were to add the RUSure price comparison features to Burner’s system, the resulting system would fall within the scope of Claim 45. Current Office Action at page 3, first full paragraph. Applicants respectfully disagree. With such a system, if a user were to access a merchant web page that describes a product, the user might be given the option to submit the URL of a suggested link (as in Burner), and might also be provided with price comparison data for the displayed product (as with RUSure). Nothing in Burner or the RUSure articles suggests, however, that the user would also be “provided an option to complete and submit a form that requests at least one specific type of product-related information” associated with the product, as required by Claim 45.

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In connection with this issue, the Examiner states, in part, that "RUSure.com shows requesting specific data, comprising providing and submitting that you would like information regarding the lowest prices on the product *to be available to others.*" Current Office Action at page 3, first full paragraph, emphasis added. This statement does not, however, appear to accurately characterize the system described in the RUSure articles. Further, even if the Examiner's characterization is accurate, it does not follow that the combination the RUSure system and the Burner system would fall within the scope of Claim 45.

In view of the foregoing, Applicants submit that Burner and the RUSure articles do not collectively disclose or suggest all of the limitations of Claim 45, and Applicants submit that the obviousness rejection of Claim 45 is therefore improper.

Applicants additionally submit that the rejection of Claim 45 is improper because the Examiner has not identified a suggestion or motivation to combine Burner and the RUSure articles. In connection with this issue, the Examiner asserts that it would have been obvious to modify the system of Burner "as taught by RUSure.com in order to provide information on the lowest price to others via annotation to the web page." The Examiner has not, however, identified any specific disclosure, in either Burner or the RUSure articles, which suggests making such a combination. Thus, the Examiner's assertion is not supported by the references.

Independent Claim 66

Applicants submit that the rejection of Claim 66 is improper because, among other reasons, Burner and the RUSure articles do not collectively disclose or suggest a method that involves the following, in the context of the other limitations of the claim:

while the first user is accessing the web page on the first user computer, presenting to the first user a form that prompts the first user to supply at least one specific type of data associated with the first product, wherein the form is separate from the web page, and is presented to the first user under control of the client program running on the first user computer;

in response to submission of the form by the first user, storing, within a database of the data server, data entered by the first user into said form; and

subsequently, presenting the data entered by the first user to a second user who is accessing said web page on a second user computer, wherein the data is presented to the second user under control of a client program that runs on the second user computer and communicates with the data server.

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Even if one skilled in the art were to add the RUSure price comparison features to the system of Burner, the resulting system would not satisfy these limitations of Claim 66.

Applicants also submit that the rejection of Claim 66 is improper because, as explained above, the Examiner has not identified a motivation or suggestion to combine Burner and the RUSure articles.

Dependent Claims

At least some of the dependent claims recite additional limitations that are not disclosed or suggested by Burner and the RUSure articles. For instance, with respect to Claim 67, Burner and the RUSure articles do not disclose or suggest the following limitations: "wherein monitoring the first user's browsing activities comprises the computer-implemented step of analyzing content of the web page to evaluate whether the web page includes a description of the product."

As another example, Burner and the RUSure articles do not disclose or suggest the following limitations recited in Claim 74: "further comprising providing an option to the second user, via the client program that runs on the second user computer, to vote on a quality of the recommendation supplied by the first user."

In the current Office Action, the Examiner acknowledged that dependent Claims 48, 55-59, 60, 62-64, 68, 73, 75-79, 80, 81 and 83 recite features that are not disclosed in Burner or the RUSure articles, but took the position that these features are "notoriously old and well known." Applicants respectfully challenge these assertions, and request that the Examiner supply Applicants with references showing that these features existed in the prior art.

IV. Request for telephone interview

If any issues remain following consideration of these remarks, the Examiner is respectfully requested to call the undersigned representative, at the direct dial number listed below, to conduct a telephone interview of this application.

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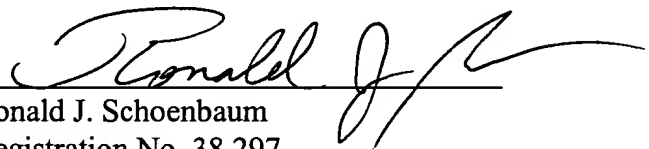
V. Conclusion

In view of the foregoing remarks, Applicants request that the Examiner withdraw the obviousness rejection of Claims 45-85 and allow the present application.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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